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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,310	10/29/2003	David Beryl Lazarus	D3049	6536

27774 7590 03/02/2005

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EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,310	LAZARUS, DAVID BERYL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quynh H Nguyen	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bimonte et al. (U.S. Patent 4,577,066) in view of Forte-McRobbie et al. (U.S. 2005/0021798).

As to claim 1, Bimonte et al. teach detecting the calling telephone line is designated as a "deadbeat" (out-of-service), sending a message to the caller indicating that his interexchange calls cannot be completed (col. 20, lines 11-38).

Bimonte et al. do not teach detecting a hook status of the Internet Protocol telephone line.

Forte-McRobbie et al. teach detecting an off hook condition of the Internet Protocol phone (page 4, [0076]).

It would have been obvious to use Bimonte's telephone interexchange call carrier in the Internet Protocol Telephony environment in order to enable a user to distinguish between a dead and out-of-service Internet Protocol telephone line.

As to claims 2 and 3, Bimonte et al. teach sending a message to the caller indicating that his call cannot be completed (col. 20, lines 29-30). For example, the voice message or a text message.

As to claims 4 and 15, Bimonte et al. teach sending a message to the caller indicating that his call cannot be completed because of nonpayment of call bills (col. 20, lines 28-31). However, Bimonte et al. do not teach sending a message indicating a telephone number to call to obtain service for the out-of-service Internet protocol telephone line. It would have been obvious to modify a message in Bimonte to include a telephone number for the user to call to obtain service for the convenience of the user so that he or she does not have to look for one.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Forte-McRobbie et al. teach an Internet Protocol interface (Fig. 1, Local IP Network 1100) coupled to an IP phone line and a processor (page 4, [0076]).

Claim 17 is rejected for the same reasons as discussed above with respect to the second limitation of claim 1.

3. Claims 5-14, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bimonte et al. (U.S. Patent 4,577,066) in view of Forte-McRobbie et al. (U.S. 2005/0021798) and further in view of Starr et al. (U.S. Patent 5,535,264).

As to claims 5 and 18, Bimonte et al. do not teach detecting Dual Tone Multiple Frequency tones on the out-of-service Internet Protocol telephone line.

Starr et al. teach that a caller dials a called number in the form of DTMF (Fig. 3, 76-77).

Dual Tone Multiple Frequency tones are old, well known, and it is a conventional form of entering telephone digits.

As to claims 6-8 and 19, Bimonte et al. teach the end office monitoring the trunk, connecting the subscriber to an appropriate announcement (col. 23, lines 19-34). Obviously, after the user completing the call with the service provider (end office), the connection would be ended. For example, when the user receives message indicating that his or her call cannot be completed because of nonpayment of call bills, the user contacts the billing office to pay his bills, then hangs up the phone after the user completes the call with the billing office.

As to claim 9, Starr et al. teach applying a loop current to the telephone line (col. 4, lines 11-26).

As to claims 10-14 and 20, Bimonte et al. do not teach applying a loop current for a predetermined interval comprises about 50 milliseconds every one-second interval and removing the loop current after the predetermined interval. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of applying a loop current for a predetermined interval and removing the loop current after the predetermined interval to Bimonte's telephone interexchange call system in order to eliminate any spurious current charges.

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4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (U.S. Patent 6,178,241).

As to claim 21, Zhou teaches a loop current controller controlling a loop current on a line and loop start signaling upon a hook status (col. 1, lines 33-60); a hook status detector (hook detection module 900) detecting a hook status of a telephone device; a debounce timer initiated upon detection of an off-hook status and the debounce timer being stopped upon detection of an on-hook status by the hook status detector (col. 12, lines 20-61).

Zhou does not suggest a polling timer initiated upon removal of the loop current from the telecommunications line, and upon expiration of the off-hook polling timer the loop current controller applying the loop current to the telecommunications line.

Polling timer initiated upon removal of the loop current from the telecommunications line, and upon expiration of the off-hook polling timer the loop current controller applying the loop current to the telecommunications line is one of a common and well known functions that performs in Line Circuits by operating telephone company in order to check a hook status of a line, and the advantage of using this function is also well known.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen  
February 22, 2005

  
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